

REMARKS/DISCUSSION OF ISSUES

Claims 1-11 are pending in the application.

Applicants note that claim 6 has been indicated to define patentable subject matter and would be allowed if rewritten in independent form including all features of its base claim 1.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

35 U.S.C. § 103

The Office Action rejects claims 1-5 and 7-11 under 35 U.S.C. § 103 over Auwens et al. U.S. Patent 6,377,518 ("Auwens") in view of Van Nieuwenhoven U.S. Patent 6,643,228 ("Van Nieuwenhoven").

The present application has an effective filing date of 1 April 2003.

Meanwhile, Van Nieuwenhoven has an issue date of 4 November 2003.

Therefore, Van Nieuwenhoven only qualifies as prior art for the present patent application under 35 U.S.C. § 102(e).

35 U.S.C. § 103(c) provides that:

"Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Here, Van Nieuwenhoven and the present application were both owned by, or subject to an obligation of assignment to Koninklijke Philips Electronics N.V. at the time of the present invention.

Accordingly, Applicant respectfully requests that the rejection of claims 1-5 and 7-13 under 35 U.S.C. § 103 based on Van Nieuwenhoven be withdrawn.

CONCLUSION

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-11 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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